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Application No. 10/825,139
Amendment dated June 27, 2007
Reply to Office Action of March 27, 2007

- REMARKS/ARGUMENTS -

Claims 1 to 14, 16 and 17 remain in the application.

Claims 1 to 5, 10, 12, 14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (U.S. Patent No. 4,647,210) in view of Haworth et al. (U.S. Patent No. 6,144,444) and Enejder (U.S. Patent No. 6,510,330).

Reconsideration is expected on the following grounds.

Applicant has amended independent Claims 1 and 12. In respect of the amended claims, Applicant suggests that, even if the alleged combination was made, it would not result in the claimed matter. More specifically, the prior art does not teach or suggest the claimed disposition of the input fiber optic cable, output fiber optic cable and an optical focussing element on the clip relative to the light transmitting conduit section. Indeed, according to Haworth et al., the input and output optical fibers are all located on the same side of the conduit and no optical focussing element is used to focus the transmitted light into an output optical fiber.

Enejder does not disclose any optical fiber nor any optical element for focussing light back into an output optical fiber and as such, Enejder cannot suggest the disposition those specific elements should have relative to a light transmitting conduit in order to permit spectrum analysis of non-scattering fluids.

Finally, Morris et al. only teaches providing protective lenses 30 and 40 which lenses are exposed to the chlorine flow in the conduit section. Morris et al.'s optical elements are mounted in the conduit (see Figure 2 and Claim 1, paragraphs (c) and (i)) and as such Morris et al. cannot teach or suggest where the optical elements should be disposed when the beam of light is transmitted through the wall of the conduit and received by an output fiber located outside of the conduit.

Therefore, the combination of Morris et al., Enejder and Haworth et al. does not meet all limitations of the claims, as amended. Since further modifications are required to the alleged

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combinations to yield the subject matter of the amended claims, the alleged combinations are insufficient in their own to meet the requirement of 103(a) in respect of the amended claims.

Applicant also submits that according to Morris et al., it is essential that the optical elements be mounted in the conduit (see Claim 1) and as such, it would be contrary to Morris et al.'s teaching to dispose the optical element outside of the conduit. It is also noted that both Enejder and Haworth et al. depend upon reflection and transmission of light from the particles containing the sample of blood being analysed. Enejder and Haworth et al. are not intended to be used with non-scattering clear fluid. As such, there is no motivation to use Enejder's or Haworth et al.'s devices with an optical element focussing the light transmitted through the wall of a light transmitting conduit section into an output optical fiber.

The remaining dependent claims are believed patentable at least for the reasons above set forth with respect to independent Claims 1 and 12.

Applicant believes that all the claims are allowable and respectfully requests a Notice of Allowance.

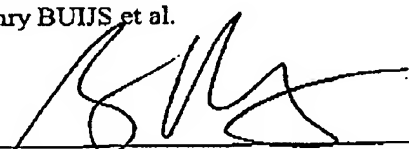
Respectfully submitted,

Henry BUIJS et al.

By:

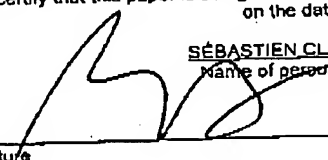
June 27, 2007

Date


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